THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M. VENKATESWARA REDDY

WRIT PETITION No: 5362 of 2006

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Date: 21.03.2006

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Between:

V. Sarojini Devi

… Petitioner.

AND

The Govt., of A.P., rep., by its

Secretary, Women & Child Welfare Dept.,

Secretariat, Hyderabad & another.

… Respondents.

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND

THE HON'BLE MR JUSTICE M. VENKATESWARA REDDY

ORDER:- (PER THE HONOURABLE JC,J)

Aggrieved by an order of the A.P. Administrative Tribunal, dated 16.02.2006 in M.A.No.4166 of 2005 in O.A.No. 2742 of 2003 and 3077 of 2001, the applicant therein preferred the present writ petition with a prayer as follows:

> "..... Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more particularly in the nature of writ of Mandamus declaring the action of the respondents in not promoting the petitioner to the post of Assistant Director/Project Director as illegal, arbitrary, unconstitutional consequently direct the respondents to promote the petitioner to the post of Assistant Director/Project Director and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and to meet the ends of justice."

The facts of the case are that the petitioner was reduced to a rank by an order, dated 13.04.2003, which was a measure of punishment. He challenged the said proceedings before the Tribunal in O.A.2742 of 2003. The petitioner also filed another O.A.No.3077 of 2001 challenging the decision of the respondents therein in refusing to promote him to the next higher post. A decision, which is consequential to the decision of reducing the petitioner by a rank as a measure of punishment, both the O.As., were heard and disposed of by the Tribunal by an order dated 02.12.2004, on a conclusion that the decision rendered to reduce the petitioner to a rank is unsustainable.

The complaint of the petitioner is notwithstanding the decision of the Tribunal he was not given the posting in the rank to which he legally belongs. He therefore, filed the abovementioned O.A. seeking the implementation of the order of the Tribunal dated 02.12.2004. Apparently, a devise invented by the petitioner to get over the law of limitation. If the order of the Tribunal remained unimplemented or in any other way violated, in the normal course, the remedy available to the petitioner is to compel the implementation of law by initiating contempt proceedings against those who are responsible for implementation of the decision of the Tribunal. However, such proceedings could not be initiated until the expiry of the period of limitation prescribed under law, the petitioner could not thereafter initiate the contempt proceedings. This devise of filing an

application praying for the implementation of the orders is resorted. The application was allowed on 16.02.2006 about a month back. Complaining that the order dated 16.02.2006 is not being implemented the present writ petition is filed. The settled principle of law is that those who sleep over their rights will not be entitled for any relief in the Court of law.

The writ petition is devoid of merits and therefore, is dismissed at the admission stage. No order as to costs.

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J.CHELAMESWAR, J

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M. VENKATESWARA REDDY, J

Date: 21.03.2006

Note: Issue CC by tomorrow.

B/o.

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